

Appl. No. 10/706,375  
Docket No. 9098  
Amdt. dated August 2, 2007  
Reply to Office Action mailed on May 3, 2007  
Customer No. 27752

## REMARKS

### Claim Status

Before entry of this Amendment, claims 1-9 and 18-22 were pending in the present application. Claims 1-9 were withdrawn as a result of an earlier restriction requirement. Claims 1-9 are being filed in a divisional application, and as such, are cancelled herein. In addition, claims 18 and 21 are cancelled herein, and new dependent claim 23 is added herein. Thus, following entry of this Amendment, claims 19, 20, 22, and 23 will be pending in the present application. No additional claims fee is believed to be due.

Claims 19, 20, and 22 are amended herein. In particular, claim 22 is amended to be in independent form and to recite a wipe including many of the limitations from prior pending claims 18 and 21, so as to provide additional clarity to the structural relationship of the elements recited therein. Claims 19 and 20 are amended to depend from claim 22 and to provide proper antecedent basis to elements in accordance with the amendments to claim 22.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 18-22 are rejected under 35 U.S.C. § 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office action asserts that it is unclear as to what the valleys and land areas are, as recited in claim 18.

Claims 18 and 21 are cancelled herein, rendering the rejection of these claims moot. As mentioned above, claim 22 is amended herein to be in independent form and to recite a wipe including many of the limitations from prior pending claims 18 and 21 so as to provide additional clarity to the structural relationship of the elements recited therein, as well as provide additional clarity to the valleys and land areas recited therein.

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Specifically, claim 22 is amended to recite a molded, textured, spunlaced, nonwoven web without apertures and a surface having a pattern of valleys and land areas such that the valleys between the land areas are interconnected, the pattern being formed by subjecting the fibrous substrate preform to a hydroentanglement process while in contact with a forming screen, wherein the forming screen includes an upper mesh member having a height,  $h_c$ , and an underlying mesh member in intimate contact with the upper mesh member. In addition, the recitation of the surface area (i.e. from about  $0.1 \text{ mm}^2$  to about  $8 \text{ mm}^2$ ) of the valleys recited in previously pending claim 18 has been removed.

The amendments made to claim 22 are illustrated by various portions of the specification of the present application, as discussed in Applicants prior response and as discussed below. Specifically, Figure 1 illustrates a plan view of one embodiment of a forming screen comprising an upper mesh member which comprises interwoven wires, 40 and 50, and an underlying mesh member which comprises interwoven wires, 60 and 70. Figure 6 is an illustration of one possible apparatus 400 for forming a molded, textured, spunlaced, nonwoven web 420 which comprises the forming screen 430, and a hydroentanglement means 440. The hydroentanglement means may utilize a liquid, such as water, to contact the fibrous substrate preform 410, which is in contact with the forming screen 430, at a junction 450 to produce the molded, textured, spunlaced, nonwoven web 420. One of ordinary skill in the art will readily recognize that as the liquid of the hydroentanglement means contacts the fibrous substrate preform, portions of the fibrous substrate preform will be forced between the interwoven wires of the upper mesh member and portions of the fibrous substrate preform will be held in place by the interwoven wires of the upper mesh member at the locations where those interwoven wires intersect. One of ordinary skill in the art will readily recognize that the portions of the fibrous substrate preform that are between the interwoven wires will be land areas and the portions of the fibrous substrate preform that are held in place at the intersection of the interwoven wires will be the interconnected valley areas. Figure 9 is an idealized side view of a molded, textured, spunlaced, nonwoven web in which the lowered portions of the upper layer of the nonwoven web are the valleys and the raised portions are the land areas. As Figure 9 is a side view and, therefore, a cross-section view, only a single image

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of a pattern of the land and valley areas is visible. One of ordinary skill in the art will readily realize, by viewing the figures of possible embodiments of a forming screen, possible apparatus for forming a molded, textured, spunlaced, nonwoven web, and images of a molded, textured, spunlaced, nonwoven web, that "a pattern of valleys and land areas such that the valleys between the land areas are interconnected" may be formed as claimed. If the claims "reasonably apprise those skilled in the art of the scope of the invention, [35 U.S.C.] § 112 demands no more." *Marley Mouldings Ltd. v. Mikron Industries Inc.*, 75 U.S.P.Q.2d 1954, 1956, 1957 (Fed. Cir. 2005).

Therefore, for at least the reasons discussed above, it is believed claims 19, 20, and 22 are allowable under 35 U.S.C. § 112, and such indication is respectfully requested.

Rejections Under 35 U.S.C. §§ 102 and 103 Over Trokhan

Claims 18-22 have been rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, U.S. Patent No. 5,895,623 issued to Trokhan et al. (hereinafter referred to as "Trokhan").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (See MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP § 2143). There is at least one aspect of the invention defined by independent claim 22 not taught or suggested by Trokhan.

As discussed above, claim 22 is amended herein to be in independent form and to recite a wipe including many of the limitations from prior pending claims 18 and 21. Among other elements, amended claim 22 recites a wipe comprising a molded, textured, spunlaced, nonwoven web without apertures. (emphasis added). Trokhan, on the other hand, discloses methods of forming apertured webs. (emphasis added). As such, Trokhan does not teach or suggest a nonwoven web without apertures, as recited in amended claim 22. Accordingly, Trokhan does not teach or suggest all the claim limitations recited in claim 22.

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Thus, it is respectfully submitted that, for at least the reasons discussed above, claim 22 is patentable under 35 U.S.C. §§ 102(b) and 103(a) over Trokhan. Claims 19 and 20 depend from and include all the limitations of claim 22. As such, for at least the same reasons discussed above with reference to claim 22, claims 19 and 20 are also patentable under 35 U.S.C. §§ 102(b) and 103(a) over Trokhan. In addition, claims 18 and 21 are cancelled herein, rendering the rejections of these claims moot.

Therefore, it is believed that claims 19, 20, and 22 are in form for allowance and such indication is respectfully requested.

New Dependent Claim 23


New claim 23 is added herein, which depends from and includes all the limitations of independent claim 22. As such, for at least the same reasons discussed above with reference to claim 22, new claim 23 is also patentable under 35 U.S.C. §§ 102(b) and 103(a) over Trokhan.

Conclusion

In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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